

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

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STRIKE 3 HOLDINGS, LLC,	:	
	:	Case No. 1:22-cv-00582-EAW
Plaintiff,	:	
	:	<u>MOTION FOR EXTENSION</u>
vs.	:	<u>OF TIME WITHIN WHICH</u>
	:	<u>TO EFFECTUATE SERVICE</u>
JOHN DOE subscriber assigned IP address	:	<u>ON JOHN DOE DEFENDANT</u>
98.5.55.14,	:	
	:	
Defendant.	:	
-----X	:	

Pursuant to Fed. R. Civ. P. 4(m), Plaintiff, Strike 3 Holdings, LLC (“Plaintiff”), moves for entry of an order extending the time within which to effectuate service on John Doe Defendant, and states:

1. This is a copyright infringement case against a John Doe Defendant known to Plaintiff only by an IP address. Defendant’s true identity is known by their Internet service provider (“ISP”).

2. On August 24, 2022, Plaintiff filed a Motion for Leave to Serve a Third-Party Subpoena Prior to a Rule 26(f) Conference (“Motion”) in order to serve a third-party subpoena on Defendant’s ISP to obtain the Defendant’s identifying information. [CM/ECF 4].

3. Pursuant to Fed. R. Civ. P. Rule 4(m), Plaintiff is required to effectuate service on the Defendant no later than October 24, 2022.

4. As of the date of this filing, Plaintiff’s Motion is still pending before the Court. Without permission to serve a subpoena on Defendant’s ISP, Plaintiff cannot learn Defendant’s identity and, therefore, is currently unable to effectuate service of process.

5. Procedurally, Plaintiff respectfully requests that the time within which it has to effectuate service of the summons and Complaint on Defendant be extended an additional sixty (60) days, and thus the deadline to effect service be extended to December 23, 2022.

6. This motion is made in good faith and not for the purpose of undue delay.

7. This is Plaintiff's first motion for an extension. None of the parties will be prejudiced by the granting of this extension.

WHEREFORE, Plaintiff respectfully requests that the time within which it has to effectuate service of the summons and Complaint on Defendant be extended until December 23, 2022. A proposed order is attached for the Court's convenience.

Dated: October 24, 2022

Respectfully submitted,

By: /s/ Jacqueline M. James
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